

MELBOURNE PLANNING SCHEME

AMENDMENT C307

EXPLANATORY REPORT

Who is the planning authority?

This amendment has been prepared by the City of Melbourne which is the planning authority for this amendment.

The Amendment has been made at the request of the City of Melbourne.

Land affected by the Amendment

The Amendment applies to all land covered by the Melbourne Planning Scheme.

What the amendment does

- Amends Clause 21.10-6 Cultural/Arts and Entertainment Facilities, to strengthen policy to ensure that electronic gaming machines operate as part of the overall range of entertainment activities in the municipality.
- Amends Clause 21.12 Hoddle Grid, to strengthen policy to reduce the concentration of electronic gaming machines in the Hoddle Grid where they contribute to convenience gambling.
- Amends Clause 22.12 to introduce a revised policy which enables a more comprehensive assessment of the social and economic impacts of gaming, and assists in guiding the appropriate location and operation of gaming venues.
- Amends the Schedule to Clause 52.28 Gaming, to update the list of shopping complexes where the installation or use of a gaming machine is prohibited.

The Amendment is supported by the reference documents; 'City of Melbourne Electronic Gaming Machine Decision-Making Framework, 2017', and 'City of Melbourne Electronic Gaming Machine Review Background Report, 2017'.

Strategic assessment of the Amendment

Why is the Amendment required?

The Amendment is required to update the existing Local Planning Policy for Gaming (Clause 22.12) to guide decision-making in relation to the installation and use of electronic gaming machines across all areas of the municipality. The updated policy facilitates the assessment of the social and economic impacts of gambling and guides the appropriate location and operation of electronic gaming machines. It also provides greater understanding for applicants and the community as to Council's position and requirements in relation to electronic gaming machines and planning permit applications.

In particular, the Amendment is required to:

- minimise gambling-related harms to individuals and the community;
- ensure that gaming machines are situated in appropriate locations and premises to prevent convenience gambling;
- ensure that where gaming machines operate, they do so as part of the overall range of social, leisure, entertainment and recreation activities and facilities;
- reduce the concentration of gaming machines and gaming venues;
- ensure that gaming venues do not detract from the amenity of surrounding uses;
- ensure that the location and operation of gaming machines achieves net community benefit; and

- discourage the proliferation of gaming premises in locations where the predominant use is residential.

The amendment to Clause 21.10-6 *Cultural/Arts and Entertainment Facilities* strengthens Council's capacity to ensure that electronic gaming machines operate as part of the overall range of entertainment activities in the municipality.

The amendment to Clause 21.12 *Hoddle Grid* strengthens Council's capacity to reduce the existing concentration of electronic gaming machines in the Hoddle Grid where they contribute to convenience gambling.

The revised policy at Clause 22.12 enables a more comprehensive assessment of the social and economic impacts of gaming, and assists in guiding the appropriate location and operation of gaming venues.

The amendment to the Schedule to Clause 52.28 updates the list of shopping complexes where the installation or use of a gaming machine is prohibited.

The Amendment is supported by the City of Melbourne Electronic Gaming Machine Decision-Making Framework, 2017 and the City of Melbourne Electronic Gaming Machine Review Background Report, 2017.

How does the Amendment implement the objectives of planning in Victoria?

The Amendment is consistent with the following objectives for planning in Victoria as outlined in Section 4 of the *Planning and Environment Act 1987*:

- 1(a) to provide for the fair, orderly, economic and sustainable use, and [development of land](#)
- 1(c) to secure a pleasant, efficient and safe working, living and recreational environment for all Victorians and visitors to Victoria
- 1(g) to balance the present and future interests of all Victorians
- 2(a) to ensure sound, strategic planning and co-ordinated action at State, [regional](#) and municipal levels
- 2(d) to ... provide for explicit consideration of social and economic effects when decisions are made about the use and [development of land](#)
- 2(g) to encourage the achievement of planning objectives through positive actions by responsible authorities and planning authorities.

The Amendment implements these objectives by giving direction to the appropriate location and operation of electronic gaming machines in the municipality, protecting vulnerable communities from the harmful effects of gambling, and providing guidance in relation to the effective consideration of social and economic impacts during the planning permit assessment process.

How does the Amendment address any environmental, social and economic effects?

The Amendment relates to the use and installation of electronic gaming machines and will have no environmental effects.

The Amendment addresses social and economic effects of gambling on electronic gaming machines by:

- protecting those most at risk of the social, economic and health impacts of gambling-related harms
- providing guidance in relation to achieving a balance between the social and economic benefits and harms to the community
- outlining the requirements for the preparation of a robust assessment of the social and economic effects of a proposal to use or install electronic gaming machines at the planning permit stage.

Does the Amendment address relevant bushfire risk?

The Amendment will not have any impacts on bushfire risk within the municipality.

Does the Amendment comply with the requirements of any Minister's Direction applicable to the amendment?

Ministerial Direction: The Form and Content of Planning Schemes

The Local Planning Policy for Electronic Gaming has been prepared in terms of the requirements of this Direction.

Ministerial Direction 9: Metropolitan Strategy

The Amendment supports *Direction 4 – Melbourne is a distinctive and liveable city with quality environments* as follows:

- protecting the sporting, cultural, and arts precincts from inappropriate development (Direction 4.2) by ensuring that electronic gaming machines are appropriately located and operated, and function as part of the overall range of entertainment uses
- facilitating opportunities for effective community participation in decisions relating to the installation and use of electronic gaming machines (4.6)

The Amendment will not compromise the implementation of the Metropolitan Planning Strategy as it gives direction to achieving accessibility to gaming venues while minimising convenience gambling.

Ministerial Direction No. 11: Strategic Assessment of Amendments

The Amendment has been prepared in accordance with the requirements set out in this Direction.

Ministerial Direction 15: The Planning Scheme Amendment Process

This Amendment will be consistent with the guidance provided by this Direction.

How does the Amendment support or implement the State Planning Policy Framework and any adopted State policy?

The Amendment is consistent with the following provisions of the State Planning Policy Framework:

- Clause 10.02 Objectives by giving guidance to the appropriate location and operation of electronic gaming machines and the assessment of relevant environmental, social and economic factors associated with electronic gaming machines in the interests of net community benefit.
- Clause 11.03-2 Activity Centre Planning by facilitating the appropriate location of electronic gaming machines in activity centres.
- Clause 17.01-1 Business by facilitating development that meets the community's needs for entertainment in the interests of net community benefit.
- Clause 17.01-3 Tourism in Metropolitan Melbourne by giving preference to the location of electronic gaming machines in activity centres.

How does the Amendment support or implement the Local Planning Policy Framework, and specifically the Municipal Strategic Statement?

The amendment strengthens the Local Planning Policy Framework by providing specific guidance on the appropriate location and operation of gaming machines in the municipality, articulating Council's position on electronic gaming machines and application requirements, and supporting decisions made in terms of Clause 52.28 Gaming.

The amendment is consistent with the objectives of Clause 21.10-6 which are to provide a diverse range of leisure, arts, cultural and entertainment facilities' and enhance the City as Victoria's pre-eminent cultural and entertainment location. This will be achieved by ensuring that electronic gaming machines are provided as part of the overall range of social, leisure, entertainment and recreation uses in the municipality.

Does the Amendment make proper use of the Victoria Planning Provisions?

The Amendment makes proper use of the Victoria Planning Provisions by amending the existing Local Planning Policy for Gaming to ensure that it aligns with the strategic, regulatory and decision-making framework within which gaming machines operate

How does the Amendment address the views of any relevant agency?

The Amendment is being placed on exhibition and will accordingly be referred to relevant agencies for consideration.

Does the Amendment address relevant requirements of the Transport Integration Act 2010?

No requirements of the Transport Integration Act 2010 are relevant to the Amendment.

Resource and administrative costs

- **What impact will the new planning provisions have on the resource and administrative costs of the responsible authority?**

The Amendment will streamline Council's planning permit process in regards assessing planning permits under The Melbourne Planning Scheme. The Amendment will not have any significant impact on resource and administrative costs of the responsible authority as a planning permit is currently required to use and install an electronic gaming machine and the Amendment does not alter existing or introduce new permit triggers.

Where you may inspect this Amendment

The Amendment is available for public inspection, free of charge, during office hours at the following places:

City of Melbourne
Planning and Building Reception Counter
Melbourne Town Hall
Administration Building
MELBOURNE VIC 3000

The Amendment may also be viewed online at the City of Melbourne website: <http://www.melbourne.vic.gov.au/building-and-development/urban-planning/melbourne-planning-scheme/planning-scheme-amendments/Pages/planning-scheme-amendments.aspx>

The Amendment can also be inspected free of charge at the Department of Environment, Land, Water and Planning website at: www.delwp.vic.gov.au/public-inspection.

Submissions

Any person who may be affected by the Amendment [and/or planning permit] may make a submission to the planning authority. Submissions about the Amendment must be received by **29 June 2018**.

A submission must be sent to:

City of Melbourne
GPO Box 1603
Melbourne 3001

Panel hearing dates

In accordance with clause 4(2) of Ministerial Direction No.15 the following pre-set panel hearing dates have been set for the amendment (to be confirmed at a later date):

- directions hearing: Week commencing 1 October 2018
- panel hearing: Week commencing 12 November 2018